

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLUMBIA MACHINE INC,

Plaintiff,

v.

BESSER COMPANY,

Defendant.

CASE NO. 10-cv-5667-RBL

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO CLARIFY OR
RECONSIDER PORTIONS OF THE
COURT'S ORDER OF DECEMBER 14,
2011

THIS MATTER having come before the Court on Defendant Besser Company's Motion to Clarify or Reconsider Limited Portions of Court's Order of December 14, 2011 (ECF No. 112) and the Court having reviewed the motion and conducted a telephone conference regarding the same on January 4, 2012, based on the agreement of the parties and further clarification, portions of the December 14, 2011 Order (ECF No. 105), is here by clarified and/or modified in the following respects:

1 1. Defendant Besser will produce documents in response to plaintiff's requests for
2 production numbers 1, 2, 3, 4, 5, 6, 8, 11, 13, 19, 24 and 32 and will produce documents in
3 response to those requests as they may relate to the SERVOPAC machine. Plaintiff, having
4 acknowledged that defendant's objections as to those requests for production were timely, the
5 previous order is hereby modified.

6 2. As to plaintiff's request for production number 25, the parties have agreed that
7 defendant's objection was timely and that defendant Besser may assert the attorney-client
8 privilege with respect to documents that may be responsive to this request. Defendant will
9 prepare a privilege log for any such documents not produced and generated before the filing of
10 the lawsuit. The parties have agreed that no such privilege log will be necessary for any
11 responsive documents subject to the privilege and prepared after the filing of the lawsuit.

12 3. With respect to plaintiff's request for production number 26, defendant will
13 produce any such documents related to the SERVOPAC machine or other similar machines.

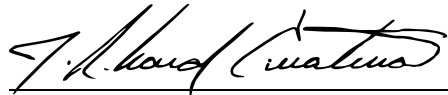
14 4. Regarding plaintiff's request for production number 20, the Court has requested
15 that plaintiff file a responsive pleading addressing the relevance of this request. Such responsive
16 pleading shall be no more than five (5) pages in length and shall be filed no later than Friday,
17 January 13, 2012. Defendant's reply, if any, shall be filed no later than Wednesday, January 18,
18 2012. The reply shall not exceed five (5) pages. Defendant is not required to produce
19 documents responsive to this request for production until such time as the Court has ruled on the
20 motion for reconsideration.

21 5. As to the Court's deadline to provide full and complete responses to plaintiff's
22 requests for production no later than January 6, 2012 at 5:00 p.m., as set forth in this Court's
23 previous order (ECF No. 105), the parties have agreed that this order may be modified to

1 accommodate additional time necessary to compile the documents and to accommodate an
2 upcoming mediation. The parties' stipulation (ECF No. 114) is hereby adopted by the Court.

3 6. Defendant's motion to reconsider its decision to award reasonable attorneys' fees
4 and costs is DENIED.

5 Dated this 6th day of January, 2012.

6
7 

8 J. Richard Creatura
9 United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24